Transportation Safety Board of Canada

Bureau de la sécurité des transports du Canada

ANNUAL REPORT TO PARLIAMENT ON THE APPLICATION OF THE *PRIVACY ACT*

1 APRIL 2013 TO 31 MARCH 2014

Canada

© Minister of Public Works and Government Services 2014
Cat. No. TU1-4/2-2014E

Transportation Safety Board of Canada

Chair

Bureau de la sécurité des transports du Canada

Présidente

Place du Centre
200 Promenade du Portage
4th Floor
Gatineau, Quebec
K1A 1K8

2 June 2014

The Honourable Peter Van Loan, P.C., M.P.
Leader of the Government in the House of Commons
House of Commons
Ottawa, Ontario
K1A 0A6

Honourable Minister:

In accordance with section 72 of the *Privacy Act*, the Transportation Safety Board of Canada is pleased to submit to Parliament this report on its activities relating to the application of the *Act* for the period 1 April 2013 to 31 March 2014.

Sincerely,

Wendy A. Tadros

Canada

Table of Contents

1.0 Introduction 1

2.0 ATIP Office Organization 1

3.0 Delegation of Authority 2

4.0 Disposition of Requests 2

4.1 Requests for Personal Information 2

4.2 Costs 3

5.0 Training and Education 3

6.0 Policies, Guidelines and Procedures 3

7.0 Complaints and Investigations 3

8.0 Monitoring Process 4

9.0 Material Privacy Breaches 4

10.0 Privacy Impact Assessments 4

11.0 Disclosures Pursuant to Paragraph 8(2)(m) 4

12.0 Statistics Required by Treasury Board 4

Appendix A – Delegation Order 5

Appendix B – Statistical Report 6-11

1.0 *Introduction*

Pursuant to section 72 of the *Privacy Act*, the Transportation Safety Board of Canada (TSB) is pleased to table in Parliament this report on its activities relating to the application of the *Act*. The report covers the period from 1 April 2013 to 31 March 2014.

The purpose of the *Privacy Act* is to protect the privacy of individuals with respect to personal information about themselves held by government institutions such as the TSB, and to provide individuals with a right of access to that information.

The *Canadian Transportation Accident Investigation and Safety Board Act* provides the legal framework that governs TSB activities. Our mandate is to advance transportation safety in the marine, pipeline, rail and air modes of transportation by:

- conducting independent investigations, including public inquiries when necessary, into selected transportation occurrences in order to make findings as to their causes and contributing factors;
- identifying safety deficiencies, as evidenced by transportation occurrences;
- making recommendations designed to eliminate or reduce any such safety deficiencies; and
- reporting publicly on our investigations and on the findings in relation thereto.

More information on the TSB is available at www.bst-tsb.gc.ca.

The TSB's administration of its Access to Information and Privacy (ATIP) activities is in accordance with the government's stated principles that government information should be available to the public with only specific and limited exceptions. Furthermore, the TSB treats personal information in compliance with the code of fair information practice expressed in the *Privacy Act*.

2.0 *ATIP Office Organization*

During 2013-14, the TSB restructured its Corporate Services Branch and the Director General of Corporate Services assumed responsibility as the ATIP Coordinator. The position of Manager Information Management Division was abolished and the responsibilities for information management were combined with informatics under the new position of Manager Technology and Information Management. The responsibilities for ATIP and the title of ATIP Coordinator will eventually be transferred to a new General Counsel position once staffed in 2014-15. The remainder of the ATIP office consists of five full-time positions. Due to turnover and absences, the TSB has engaged consultants during the year to support the program.

The ATIP Office administers requests made pursuant to the *Act* and provides functional advice and guidance to managers and employees concerning the release of information and protection of privacy. In addition, ATIP analysts are required to exhibit strong consultative and negotiating skills when meeting with requesters, employees of the TSB and representatives of the Office of the Privacy Commissioner's office.

3.0 *Delegation of Authority*

As required by the legislation, a delegation of authority is in place. For the purposes of the *Privacy Act*, the "head of the institution" as defined in section 3 of the *Act* is the Chair. The incumbents of the positions of Chief Operating Officer, the Director General Corporate Services and the Manager Information Management have been delegated powers by the Chair deemed appropriate for the effective administration of the *Act*. These employees ensure that the TSB meets all its obligations fairly and consistently. The delegation authority will be updated in 2014-15 once the restructuring of the ATIP office is complete.

A copy of the Delegation Order is attached as Appendix A.

4.0 *Disposition of Requests*

4.1 *Requests for Personal Information*

Fifty-nine (59) formal requests for personal information were received during the current reporting period; no requests were brought forward from the previous reporting period. There were nineteen (19) requests received during the previous period, representing an increase of 211%. The increase is primarily attributed to Canadian airline pilots submitting a privacy request to inquire as to whether they are named in any occurrence reported to the TSB. Certain international airlines have begun to request this information as a pre-employment requirement.

Of the fifty-one (51) closed requests in 2013-14, records were fully disclosed to thirty-three (33) applicants, partially disclosed to eight (8) applicants, documents did not exist in nine (9) cases, and one (1) request was abandoned by the requester. Eight (8) requests were carried over to the next fiscal year.

Of the fifty-one (51) requests closed during the reporting period, thirty-eight (38) were completed within the 1 to 15 days, five (5) were completed within 16 to 30 days and eight (8) were completed within 31 to 60 days. The average time taken to process a request during the 2013–14 reporting period was 13.4 calendar days, compared with last year's average of 34.6 calendar days.

During this period, the ATIP Office was involved in the search, preparation and review of 636 pages of information and the reproduction and release of 553 pages of information. Last year, 8,275 pages were reviewed and 1,533 pages were released. The significant decrease in pages reviewed between years is explained by the fact that the topics of the requests completed in 2013-14 were generally specific to a small set of records, which limited the number of records to search and process.

The TSB's policy of openness allows for the disclosure of information to its employees without necessarily requiring that they invoke the *Privacy Act*. Human Resource officers and support staff handle this sort of request as part of their routine duties. The TSB remains vigilant in meeting requirements under the *Act* to protect personal information under its control. This is achieved by ensuring that employees are cognizant of their responsibility to protect the

personal information they handle in the course of their duties and by respecting the code of fair information practice enshrined in the legislation.

4.2 *Costs*

During 2013–14, the ATIP Office incurred an estimated $50,777 in costs to administer the *Privacy Act*. These costs include salaries, overtime, goods and services, and professional services contracts for temporary help staff but do not include the resources expended by other areas of the TSB to meet the requirements of the *Act*.

5.0 *Training and Education*

In terms of internal training activities, the TSB has an orientation program in place for new employees, which includes training on ATIP awareness. Two (2) sessions were delivered in 2013-14 to twenty (20) employees. Additionally, awareness training with respect to sharing information about employees was provided to approximately 30 managers/directors in September 2013. The ATIP office also provides advice and guidance upon request to individuals and small groups of employees on an informal basis.

In addition, the ATIP staff attended various workshops organized by the Treasury Board Secretariat throughout the fiscal year. These workshops provided ATIP staff with valuable information on trends and best practices within the ATIP community, updates on recent complaints and court cases, and tools to help improve service standards within the field

6.0 *Policies, Guidelines and Procedures*

No new or revised privacy-related policies, guidelines or procedures were implemented by the TSB during the reporting period.

7.0 *Complaints and Investigations*

No new complaints were received during 2013-14.

A complaint received by the Office of the Privacy Commissioner (OPC) during 2012-13 alleged that the TSB contravened the use and disclosure provisions of the Privacy *Act* relating to information shared as part of a reference check. During 2013-14, the OPC concluded that the complaint was well-founded. In response, the TSB raised awareness at a meeting of all managers on what constitutes personal information and provided guidance on how to answer inquiries regarding employees without releasing personal information.

8.0 Monitoring Process

The TSB monitors the time to process privacy requests, through bi-weekly meetings between the Director General Corporate Services and the Senior ATIP Analyst during which the status of outstanding requests are reviewed. Any significant issues are raised to the Chief Operating Officer on an ad hoc basis, such as when assistance is needed in processing a particularly complex request.

9.0 Material Privacy Breaches

No material privacy breaches occurred during the reporting period.

10.0 Privacy Impact Assessments

The TSB did not undertake any Privacy Impact Assessments (PIA) during the reporting period.

11.0 Disclosures Pursuant to Paragraph 8(2)(m)

The TSB did not disclose any information pursuant to paragraph 8(2)(m) during the reporting period.

12.0 Statistics Required by Treasury Board

The statistics required by the Treasury Board Secretariat are found in Appendix B.

Appendix A – Delegation Order

Transportation Safety Board of Canada

Bureau de la sécurité des transports du Canada

DESIGNATION ORDERS

Privacy Act

The Executive Director of the Transportation Safety Board of Canada, pursuant to Section 73 of the *Privacy Act*, hereby designates the persons holding the positions of Director General, Corporate Services and Manager, Information Management Division, Corporate Services, or the persons occupying on an acting basis those positions, to exercise the powers and perform the duties and functions of the Executive Director as the head of a government institution under the *Act*.

The original version was signed by
Wendy A. Tadros

Date: 25 January 2010

Canada

Appendix B – Statistical Report

Statistical Report on the *Privacy Act*

Name of Institution: Transportation Safety Board of Canada

Reporting Period: 2013-04-01 to 2014-03-31

PART 1 - Requests under the Privacy Act

	Number of Requests
Received during reporting period	59
Outstanding from previous reporting period	0
Total	59
Closed during reporting period	51
Carried over to next reporting period	8

PART 2 - Requests closed during the reporting period

2.1 Disposition and completion time

Disposition of requests	Completion Time							
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	More than 365 days	Total
All disclosed	27	5	1	0	0	0	0	33
Disclosed in part	1	0	7	0	0	0	0	8
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	9	0	0	0	0	0	0	9
Request abandoned	1	0	0	0	0	0	0	1
Total	38	5	8	0	0	0	0	51

2.2 Exemptions

Section	Number of requests	Section	Number of requests	Section	Number of requests
18(2)	0	22(1)(a)(i)	0	23(a)	0
19(1)(a)	0	22(1)(a)(ii)	0	23(b)	0
19(1)(b)	0	22(1)(a)(iii)	0	24(a)	0
19(1)(c)	0	22(1)(b)	0	24(b)	0
19(1)(d)	0	22(1)(c)	0	25	0
19(1)(e)	0	22(2)	0	26	8
19(1)(f)	0	22.1	0	27	0
20	0	22.2	0	28	0
21	0	22.3	0		

2.3 Exclusions

Section	Number of requests	Section	Number of requests	Section	Number of requests
69(1)(a)	0	70(1)(a)	0	70(1)(d)	0
69(1)(b)	0	70(1)(b)	0	70(1)(e)	0
69.1	0	70(1)(c)	0	70(1)(f)	0
				70.1	0

2.4 Format of information released

Disposition	Paper	Electronic	Other formats
All disclosed	22	11	0
Disclosed in part	8	0	0
Total	30	11	0

2.5 Complexity

2.5.1 Relevant pages processed and disclosed

Disposition of requests	Number of pages processed	Number of pages disclosed	Number of requests
All disclosed	340	340	33
Disclosed in part	296	213	8
All exempted	0	0	0
All excluded	0	0	0
Request Abandoned	0	0	1

2.5.2 Relevant pages processed and disclosed by size of requests

Disposition	Less than 100 pages processed		101-500 pages processed		501-1000 pages processed		1001-5000 pages processed		More than 5000 pages processed	
	Number of requests	Pages disclosed	Number of requests	Pages disclosed	Number of requests	Pages disclosed	Number of requests	Pages disclosed	Number of requests	Pages disclosed
All disclosed	33	340	0	0	0	0	0	0	0	0
Disclosed in part	8	213	0	0	0	0	0	0	0	0
All exempted	0	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Abandoned	1	0	0	0	0	0	0	0	0	0
Total	42	553	0	0	0	0	0	0	0	0

2.5.3 Other complexities

Disposition	Consultation required	Legal Advice Sought	Interwoven Information	Other	Total
All disclosed	0	0	0	1	1
Disclosed in part	0	0	0	7	7
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Abandoned	0	0	0	0	0
Total	0	0	0	8	8

2.6 Deemed refusals

2.6.1 Reasons for not meeting statutory deadline

Number of requests closed past the statutory deadline	Principal Reason			
	Workload	External consultation	Internal consultation	Other
0	0	0	0	0

2.6.2 Number of days past deadline

Number of days past deadline	Number of requests past deadline where no extension was taken	Number of requests past deadline where an extension was taken	Total
1 to 15 days	0	0	0
16 to 30 days	0	0	0
31 to 60 days	0	0	0
61 to 120 days	0	0	0
121 to 180 days	0	0	0
181 to 365 days	0	0	0
More than 365 days	0	0	0
Total	0	0	0

2.7 Request for translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
Total	0	0	0

PART 3 - Disclosures under subsection 8(2)

Paragraph 8(2)(e)	Paragraph 8(2)(m)	Total
0	0	0

PART 4 - Requests for correction of personal information and notations

	Number
Requests for correction received	0
Requests for correction accepted	0
Requests for correction refused	0
Notations attached	0

PART 5 - Extensions

5.1 Reasons for extensions and disposition of requests

Disposition of requests where an extension was taken	15(a)(i) Interference with operations	15(a)(ii) Consultation		15(b) Translation or conversion
		Section 70	Other	
All disclosed	1	0	0	0
Disclosed in part	7	0	0	0
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	0	0	0	0
Total	8	0	0	0

5.2 Length of extensions

Length of extensions	15(a)(i) Interference with operations	15(a)(ii) Consultation		15(b) Translation or conversion
		Section 70	Other	
1 to 15 days	0	0	0	0
16 to 30 days	8	0	0	0
Total	8	0	0	0

PART 6 - Consultations received from other institutions and organizations

6.1 Consultations received from other government institutions and organizations

Consultations	Other government institutions	Number of pages to review	Other organizations	Number of pages to review
Received during the reporting period	0	0	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	0	0	0	0
Closed during the reporting period	0	0	0	0
Pending at the end of the reporting period	0	0	0	0

6.2 Recommendations and completion time for consultations received from other government institutions

Recommendations	Number of days required to complete consultation requests							
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	More than 365 days	Total
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

6.3 Recommendations and completion time for consultations received from other organizations

Recommendations	Number of days required to complete consultation requests							
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	More than 365 days	Total
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

PART 7 - Completion time of consultations on Cabinet confidences

Number of days	Number of responses received	Number of responses received past deadline
1 to 15	0	0
16 to 30	0	0
31 to 60	0	0
61 to 120	0	0
121 to 180	0	0
181 to 365	0	0
More than 365	0	0
Total	0	0

PART 8 - Resources related to the Privacy Act

8.1 Costs

Expenditures		Amount
Salaries		$43,802
Overtime		$0
Goods and Services		$6,975
☐ Contracts for privacy impact assessments	$ 0	
☐ Professional services contracts	$6,252	
☐ Other	$723	
Total		$50,777

8.2 Human Resources

Resources	Dedicated full-time	Dedicated part-time	Total
Full-time employees	0.00	0.55	0.55
Part-time and casual employees	0.00	0.00	0.00
Regional staff	0.00	0.00	0.00
Consultants and agency personnel	0.00	0.05	0.05
Students	0.00	0.00	0.00
Total	0.00	0.60	0.60

Statistical Report on the *Privacy Act* – 2013-14

Appendix A

Completed Privacy Impact Assessments (PIAs)

Institution	Number of Completed PIAs
Transportation Safety Board of Canada	Nil